

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:06-CR-00206-F-1

UNITED STATES OF AMERICA)
)
)
v.) O R D E R
)
)
LAMONT LEE TURRENTINE,)
Defendant.)

This matter is before the court on Lamont Lee Turrentine's Writ of Error Coram-Nobis [DE-100]. Turrentine argues that he should be resentenced following the Supreme Court's decision in *Alleyne v. United States*, --- U.S. ---, 133 S.Ct. 2151 (2013).

The writ of coram nobis has been described by the Fourth Circuit Court of Appeals as follows:

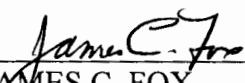
A writ of error coram nobis may be used to vacate a conviction where there is a fundamental error resulting in conviction, and no other means of relief is available. *United States v. Morgan*, 346 U.S. 502, 509–11, 74 S.Ct. 247, 98 L.Ed. 248 (1954); *United States v. Akinsade*, 686 F.3d 248, 252 (4th Cir. 2012). The remedy is limited, however, to those petitioners who are no longer in custody pursuant to their convictions. *Carlisle v. United States*, 517 U.S. 416, 428–29, 116 S.Ct. 1460, 134 L.Ed.2d 613 (1996); *Akinsade*, 686 F.3d at 252.

United States v. Sessions, 488 Fed. Appx. 737, 738 (4th Cir. 2012).

The undersigned has been advised that Turrentine is still in custody and is being held at FCI Williamsburg in South Carolina. For this reason, the writ of coram nobis is not available to him. Accordingly, Turrentine's Writ of Error Coram-Nobis [DE-100] is DENIED.

SO ORDERED.

This, the 7 th day of August, 2013.



JAMES C. FOX
Senior U.S. District Judge